



STATE OF CONNECTICUT

OFFICE OF STATE ETHICS

STATEMENT OF THE OFFICE OF STATE ETHICS ON RAISED BILL No. 289 AN ACT CONCERNING THE ONLINE SUBMISSION AND POSTING OF STATEMENTS OF FINANCIAL INTERESTS

MARCH 1, 2010

The purpose of this bill is to require online filing and posting of Statements of Financial Interests ("SFIs"). The Office of State Ethics ("OSE") respectfully requests that the following comments be considered by members of the Government Administration and Elections Committee.

The OSE supports requiring online submission of the SFIs. Such a requirement will not only provide simplified records management processes for the agency, but more importantly, it will create improved efficiencies with positive fiscal impact for the state. In fact, a majority of SFI filers already file online. Last year, out of a total of 2765 SFI filers, 2120, almost 77%, filed their SFIs online. The new online filing system rolled out in 2009 is user-friendly and secure, and the OSE staff is available to provide prompt technical and legal support to online SFI filers.

The OSE would like to raise the following points concerning the requirement for online posting of the SFIs. Beginning last year, the names, agencies and date of posting of SFIs have been posted online, but not the substantive information filed. The Code of Ethics for Public Officials and State Employees ("Code of Ethics") states that SFIs are "a matter of public information," but is silent regarding ways to make them public. Anyone can access these statements by filing a Freedom of Information Act ("FOI Act") request with the OSE. We respond to in-person, written and electronic requests. Currently, although the Code of Ethics does not expressly prohibit posting of SFIs online, absence of a specific statutory requirement to post SFIs online raises concerns because the OSE is required, under the Personal Data Act, to keep a log of those persons who request a public official's or state employee's SFI filing and the reason for the disclosure. The FOI Act, which is also silent on the online posting of most public documents, generally provides for unhindered access to public records and as such appears to conflict with the Personal Data Act requirements. This apparent conflict predates the wide use of the Internet. OSE believes that specific statutory language requiring the agency to post the SFIs online will provide much needed clarity and lift the burden of what could prove to be a difficult task – tracking online access in order to comply with the Personal Data Act.

The OSE notes that online disclosure of certain information may be of concern to certain filers. Indeed, members of the Citizens Ethics Advisory Board, the governing Board of the OSE, themselves expressed concern about personal and financial information being widely available online. Yet Connecticut, a state with very strong freedom of information laws, lags behind a number of states in posting SFIs online. The Center for Public Integrity periodically reports on

the state of disclosure throughout the country. Most recently Connecticut received a score of 76 or "C" and is ranked 12th in the nation for its Financial Disclosure requirements in part because SFIs are not available online.

In Connecticut, an online media organization recently posted SFIs of all elected officials online. These SFIs are static and do not accurately reflect amendments to SFIs that may occur throughout the year; online posting by the OSE would accurately reflect any such amendments. In addition, thousands of SFIs of state employees, board members and commissioners are not online.

Finally, as a technical matter, the language concerning the online posting of the SFIs may need clarification so that the requirement for posting such filings is not retroactive without limit and that it will apply to SFIs filed on or after date certain.

For further information please contact: Carol Carson, Executive Director, Office of State Ethics, or Peter Lewandowski, Staff Counsel, Office of State Ethics, at 860-263-2400; 860-263-2402 (fax).